

SENATE BILL 57

J3

11r0038

By: **Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: January 18, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Health Care Commission – Certificate of Need Requirements**

3 FOR the purpose of expanding the application of certain certificate of need
4 requirements relating to the closure or partial closure of a hospital to certain
5 other health care facilities; authorizing the Maryland Health Care Commission
6 to require a certain health care facility to hold a certain hearing in a certain
7 location; requiring the hearing to be held in consultation with the Commission
8 and within a certain time period; and generally relating to certificate of need
9 requirements and the Maryland Health Care Commission.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–120(l)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Health – General**

18 19–120.

19 (l) **(1)** A certificate of need is not required to close any [hospital] **HEALTH**
20 **CARE FACILITY** or part of a [hospital] **HEALTH CARE FACILITY** [as defined in §
21 19–301 of this title] if[:

22 (1) At] **AT** least 45 days before the closing or partial closing of [a
23 hospital] **THE HEALTH CARE FACILITY**, including a State hospital, a person

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 proposing to close all or part of the [hospital] HEALTH CARE FACILITY files notice of
2 the proposed closing or partial closing with the Commission[; and].

3 (2) [For a] A hospital located in a county with fewer than three
4 hospitals THAT FILES A NOTICE OF ITS PROPOSED CLOSING OR PARTIAL
5 CLOSING WITH THE COMMISSION[, within 30 days after receipt of the notice of
6 intent to close, the hospital, in consultation with the Commission, holds] SHALL HOLD
7 a public informational hearing in the county where the hospital is located.

8 (3) THE COMMISSION MAY REQUIRE A HEALTH CARE FACILITY
9 OTHER THAN A HOSPITAL DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION
10 THAT FILES NOTICE OF ITS PROPOSED CLOSING OR PARTIAL CLOSING TO HOLD
11 A PUBLIC INFORMATIONAL HEARING IN THE COUNTY WHERE THE HEALTH CARE
12 FACILITY IS LOCATED.

13 (4) A PUBLIC INFORMATIONAL HEARING REQUIRED UNDER
14 PARAGRAPH (2) OR (3) OF THIS SUBSECTION SHALL BE HELD BY THE HEALTH
15 CARE FACILITY, IN CONSULTATION WITH THE COMMISSION, WITHIN 30 DAYS
16 AFTER THE HEALTH CARE FACILITY FILES A NOTICE OF ITS PROPOSED CLOSING
17 OR PARTIAL CLOSING WITH THE COMMISSION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2011.